THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 23799 of 1996

DATED: 17.02.2006

Between:

K.Krishna Murthy.

... PETITIONER

AND

The Mandal Revenue officer and another.

... RESPONDENTS

ORDER:

This Writ Petition is filed with a complaint that the respondents are trying to obstruct the construction undertaken by the petitioner, over his plot in Survey No.623 of Peddapalli Village and Mandal, Karimnagar District. The petitioner states that he submitted an application together with a plan to the 2nd respondent on 01.12.1995, and though a notification was issued calling for objection, on the same day, neither the application was rejected nor the permission was granted, within the period stipulated under Section 127 of the Andhra Pradesh Panchayat Raj Act, 1994 (for short 'the Act'). He contends that

in view of the lapse on the part of the 2nd respondent, permission is deemed to have been granted. The petitioner complains that the 1st respondent, who has no jurisdiction in the matter, has issued notice, dated 13.11.1995, objecting the construction.

Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj.

The petitioner commenced the construction on the strength of a deemed permission. When obstruction was caused by the respondents herein, the petitioner approached this Court and obtained interim orders on 08.11.1996. It is stated that the construction has since been completed. Therefore, nothing remains to be decided in this Writ Petition, at this stage.

Hence, The Writ Petition is disposed of, directing that in case, the respondents feel that the construction undertaken by the petitioner is contrary to any provisions of law, it shall be open to them to issue fresh notice, and take necessary action after giving an opportunity to the petitioner to explain. There shall be no order as to costs.

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17.02.2006

Jsu